REMARKS

Claims 1-57 and 64-73 are pending in the application. Claims 1, 2, 6, 10, 18, 19, 21, and 25 have been amended, claims 3, 7, 20, and 22 have been withdrawn, and claims 12, 27, and 33-73 have been canceled, leaving claims 1-2, 4-6, 8-11, 13- 19, 21, 23-26, and 28-32 for consideration upon entry of the present amendment.

Claims 1, 2, 4, 5, 9, 11, 13-19, 24, and 26-32 stand rejected under 35 U.S.C. § 102(b) as being anticipated by Walter (U.S. 3,057,136). "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. V. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Moreover, "[t]he identical invention must be shown in as complete detail as is contained in the * * * claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Claims 1, 2, 4, 5, 9, 11, 13-19, 24, and 26-32 include the following limitations: "a conveyor shifting assembly, said conveyor shifting assembly moves said conveyor from one of said plurality of lanes to an adjacent one of said plurality of lanes." Walter does not teach or suggest that limitations.

Applicants have amended claims 1 and 18 to include the limitation of claims 12 and 27, respectively. Accordingly, because Walter does not teach a conveyor shifting assembly, Applicants respectfully request that the rejection be withdrawn.

Claims 6, 8, 10, 12, 21, 23, and 25 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Walter in view of Ebira (U.S. 5,174,430). For an obviousness rejection to be proper, the Examiner must meet the burden of establishing that all elements of the invention are disclosed in the prior art; that the prior art relied upon, coupled with knowledge generally available in the art at the time of the invention, must contain some suggestion or incentive that would have motivated the skilled artisan to modify a reference or combined references; and that the proposed modification of the prior art must have had a reasonable expectation of success, determined from the vantage point of the skilled artisan at the time the invention was made. *In re Fine*, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988); *In Re Wilson*, 165 U.S.P.Q. 494, 496 (C.C.P.A. 1970); *Amgen v. Chugai Pharmaceuticals Co.*, 927 U.S.P.Q.2d 1016, 1023 (Fed. Cir. 1996).

Claims 6, 8, 10, 12, 21, 23, and 25 include the following limitations: "a movable conveyor having a first end and a second end, said first end located beneath one of said plurality of lanes, said movable conveyor delivers the product to each of said plurality of lanes; a conveyor shifting assembly, said conveyor shifting assembly moves said conveyor

from one of said plurality of lanes to an adjacent one of said plurality of lanes." Walter and Ebira do not teach or suggest those limitations.

The Examiner asserts that Walter teaches a movable conveyor having a first end and a second end and the first end is located beneath on of the plurality of lanes. The Examiner then asserts that Ebira teaches a conveyor shifting assembly 5 moving the conveyor from one of the plurality of lanes to an adjacent one of the plurality of lanes. The Examiner points to column 7, lines 27. Applicants respectfully traverse.

Obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988); *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992); MPEP § 2143.01. In this case, there is no teaching in the cited art to combine the references in an attempt to produce the claimed invention.

As set forth in the claims, the conveyor that moves from lane to lane is the conveyor that is located beneath the product. In Walter, the movable conveyor that is located beneath the product is located under all of the lanes and thus, there is no reason to move the conveyor that is located under the product from lane to lane. Accordingly, one skilled in the art would not have been motivated to combine Walter with Ebira to produce the claimed invention.

In addition, claims 6, 8, 10, 12, 21, 23, and 25 also include the following limitation: "a support device located at said plurality of lanes, said support device adapted to hold the product." Walter and Ebira do not teach or suggest this limitation.

This limitation requires that in addition to the conveyor located beneath one of the plurality of lanes, there is also a support device adapted to hold the product. There is nothing in any of the cited references that would be equivalent to such a limitation.

Thus, Walter and Ebira do not teach or suggest all of the limitations of the claims. Accordingly, Applicants respectfully request that the rejection be withdrawn.

In view of the foregoing, it is respectfully submitted that the instant application is in condition for allowance. Accordingly, it is respectfully requested that this application be allowed and a Notice of Allowance issued. If the Examiner believes that a telephone conference with Applicants' attorneys would be advantageous to the disposition of this case, the Examiner is cordially requested to telephone the undersigned.

In the event the Commissioner of Patents and Trademarks deems additional fees to be due in connection with this application, Applicants' attorney hereby authorizes that such fee be charged to Deposit Account No. 06-1130.

Respectfully submitted,

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